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HOUSE BILL 698

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Bobbie K. Mallory

AN ACT

RELATING TO ENVIRONMENTAL POLICY; ENACTING THE ENVIRONMENTAL
POLICY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Environmental Policy Act".

Section 2. LEGISLATIVE FINDINGS. -- The legislature finds
that:

A. comprehensive environmental and natural
resource planning is determined to be:

(1) in the best interests of the public
health, safety and general welfare of the people of New
Mexico;

(2) necessary to protect the tax base; and

(3) best achieved through coordination of

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1 planning with federal, state, county, tribal and pueblo
2 governments;

3 B. New Mexico is committed to preserving and
4 protecting its biophysical environment and natural resources,
5 ways of life, customs and cultural backgrounds;

6 C. continuing pressures and conflicting demands on
7 the environment and natural resources require that the state
8 use all practical means and measures to:

9 (1) foster and promote the general welfare;

10 (2) create and maintain conditions under
11 which man and nature can exist in productive harmony; and

12 (3) fulfill the social, economic and other
13 requirements of present and future generations of New
14 Mexicans; and

15 D. New Mexico supports the purpose of the National
16 Environmental Policy Act to:

17 (1) encourage the productive and enjoyable
18 harmony between people and their environment;

19 (2) stimulate the health and welfare of
20 people;

21 (3) assure safe, healthful, productive,
22 aesthetically and culturally pleasing surroundings; and

23 (4) maintain, wherever possible, an
24 environment that supports diversity and variety of individual
25 choice.

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1 Section 3. DEFINITIONS.--As used in the Environmental
2 Policy Act:

3 A. "environmental document" means an environmental
4 assessment or environmental impact statement;

5 B. "human environment" means the biophysical,
6 natural, social, cultural and economic environment;

7 C. "major state action" means an action proposed
8 by a state or federal agency or any public or private agency
9 or organization funded with state or federal money, except for
10 political subdivisions of the state and tribal and pueblo
11 governments, that significantly affects the social, cultural,
12 economic or biophysical environments of the state;

13 D. "responsible official" means the person
14 responsible for approving a major state action;

15 E. "scope" or "scoping" means the act of
16 determining the range of actions, alternatives, issues and
17 impacts to be considered in an environmental document;

18 F. "significantly" means of import or meaning to
19 the biophysical, social, cultural or economic environment; and

20 G. "special expertise" means possessing a unique
21 knowledge of place through long habitation, practices of
22 customs or in possession of historical, economic and recorded
23 information specific to a locale.

24 Section 4. RESPONSIBLE OFFICIALS--DUTIES.--The policies,
25 regulations and public laws of this state shall be interpreted

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1 and administered in accordance with the policies set forth in
2 the Environmental Policy Act, and all responsible officials in
3 the state shall:

4 A. use a systematic, interdisciplinary approach in
5 decision-making that will ensure integrated use of natural and
6 social sciences for any major state action;

7 B. identify and develop methods and procedures for
8 implementation and monitoring in consultation with the office
9 of the governor that will ensure that social, economic,
10 cultural and technical considerations are given appropriate
11 consideration in state agency decision-making along with
12 currently quantified and unquantified environmental amenities
13 and values;

14 C. prepare a detailed draft environmental document
15 disclosing:

16 (1) the social, cultural, economic and
17 biophysical environmental impact of the proposed major state
18 action;

19 (2) any adverse social, cultural, economic
20 and biophysical environmental effects that cannot be avoided
21 should the major state action be implemented;

22 (3) alternatives to the major state action;

23 (4) the relationship between local short-term
24 uses of the human environment and the maintenance and
25 enhancement of long-term economic productivity; and

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1 (5) any irreversible and irretrievable
2 commitments of social, cultural, economic and biophysical
3 resources that would be involved should the major state action
4 be implemented;

5 D. in scoping the issues before preparing the
6 detailed draft environmental document required by Subsection C
7 of this section, coordinate and cooperate with local
8 governmental entities, Indian tribes, pueblos and any state,
9 local or federal agency that has jurisdiction by law or
10 special expertise with respect to any social, cultural,
11 economic or biophysical environmental impacts involved;

12 E. make the draft environmental document available
13 and consult with and obtain the comments of the public through
14 public hearings in those counties in which the major state
15 action will occur prior to producing any final environmental
16 document;

17 F. ensure that copies of the final environmental
18 document and the comments and views of those consulted shall
19 be made available to the office of the governor and the public
20 and shall accompany the proposal through the existing review
21 processes; and

22 G. make available to counties, municipalities,
23 institutions and other organizations or agencies engaging in
24 major state actions and projects advice and information useful
25 in restoring, maintaining and enhancing the quality of the

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1 social, cultural, economic and biophysical environment and in
2 ensuring that major state actions and projects do not impair
3 that quality.

4 Section 4. CONFLICT RESOLUTION. --

5 A. The responsible official shall study, develop
6 and describe appropriate alternatives, including mitigation,
7 to the major state action that involves unresolved conflicts
8 between alternative uses of available resources.

9 B. In the event of unresolved conflicts between
10 the proposed major state action and alternatives preferred by
11 any local governmental entity, Indian tribe or pueblo or state
12 or federal agency, the office of governor shall be the
13 deciding authority, with the advice and recommendation of an
14 environmental coordination committee consisting of the cabinet
15 secretaries and the chairman of the board of county
16 commissioners of those counties in which the major state
17 action will occur.